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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/790,394

03/01/2004

Hajime Tanaka

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1054

43793

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11/16/2006

EVEREST INTELLECTUAL PROPERTY LAW GROUP

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EXAMINER

CHIN SHUE, ALVIN C

ART UNIT

PAPER NUMBER

3634

DATE MAILED: 11/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/790,394

Applicant(s)

TANAKA ET AL.

Examiner

Alvin C. Chin-Shue

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 23-26 is/are pending in the application.
- 4a) Of the above claim(s) 3-5, 7, 10-12, 14 and 15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 6, 8, 9, 13 and 23-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.101(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 6/21/06.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,6,8,13 and 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Golz, Baggetta, Gayetty, Tracey et al or O'Dell in view of Driskell et al. Golz, Baggetta, Gayetty, Tracey and O'Dell show the claimed strap with the exception of their elongation members being heat shrunk. Driskell teaches elongation members heat-shrunk to enable a stable elastic property (note paragraph 0044). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the elongation members of either Golz, Baggetta, Gayetty, Tracey et al or O'Dell to be heat-shrunk, as taught by Driskell, to exhibit superior properties of their elongation members.

Claims 2 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Golz, Baggetta, Gayetty, Tracey et al or O'Dell and Driskell, as applied to claims 1 and 8 above, and further in view of Piper, Chang et al or Silverberg. Piper, Chang and Silverberg teach the use of binder yarns as a connecting means. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide binder yarns to either Golz, Baggetta, Gayetty, Tracey et al or

O'Dell, as taught by Piper, Chang or Silverberg, as a connecting means for their elongation members to their outer sheaths.

Claims 1,6,8 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Golz, Baggetta, Gayetty, Tracey et al or O'Dell in view of either Kavesh et al or McCall et al. Golz, Baggetta, Gayetty, Tracey and O'Dell show the claimed strap with the exception of their elongation members being heat shrunk. Kavesh and McCall teach elongation members heat-shrunk to exhibit superior properties. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the elongation members of either Golz, Baggetta, Gayetty, Tracey et al or O'Dell to be heat-shrunk, as taught by either Kavesh or McCall, to exhibit superior properties of their elongation members.

Claims 2 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Golz, Baggetta, Gayetty, Tracey et al or O'Dell and either Kavesh or McCall, as applied to claims 1 and 8 above, and further in view of Piper, Chang et al or Silverberg. Piper, Chang and Silverberg teach the use of binder yarns as a connecting means. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide binder yarns to either Golz, Baggetta, Gayetty, Tracey et al or O'Dell, as taught by Piper, Chang or Silverberg, as a connecting means for their elongation members to their outer sheaths.

Applicant's arguments with respect to claims 1,2,6,8,9 and 13 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin C. Chin-Shue whose telephone number is 571-272-6828. The examiner can normally be reached on Monday-Friday, 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Alvin C. Chin-Shue
Examiner
Art Unit 3634

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